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Date January 17, 2001

To Lisa Thomas
United States Patent and Trademark Office
Washington, DC 20231

Telephone:

Facsimile number 10284-01900001 / 703-308-4242

From Louis Myers

Re IN VIVO CONSTRUCTION OF DNA LIBRARIES
Applicant: Zervos et al.
Application No.: 09/245,549
Filing Date: February 5, 1999
Our Ref.: 10284-019001Number of pages
including this page 24

Message Dear Ms. Thomas:

As you requested, please find a copy of the Amendment and Response that was filed with the United States Patent and Trademark Office on August 25, 2000 in connection with the above-referenced matter.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Louis Myers

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at 617 542-5070 to arrange for its return. Thank you.

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August 25, 2000

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/245,549
Applicant: Zervos et al.
Filed: February 5, 1999
For: *IN VIVO CONSTRUCTION OF DNA LIBRARIES*
Group Art Unit: 1653
Attorney Docket No. 10284-019001

BOSTON

NEW YORK

SOUTHERN CALIFORNIA

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Sir:

Applicants enclose herewith for filing in the above-identified application the following:

1. Amendment and Response (16 pages);
2. diskette containing Sequence Listing;
3. paper copy of the Sequence Listing (3 pages);
4. Verified Statement under 37 CFR 1.821(f) (1 page);
5. copy of Notice to Comply with Sequence Listing;
6. Petition For Three-Month Extension of Time;
7. Check in the amount of \$870.00 for three-month extension of time; and
8. Return Postcard

Please charge any necessary fees to our Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

CERTIFICATE OF FIRST CLASS MAIL

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

August 25, 2000

Date

Sandra J. Sturtevant

Sandra J. Sturtevant

Respectfully submitted,

FISH & RICHARDSON P.C.

Diana Colyer P46,635

Per Louis Myers
Reg. No. 35,965

Attorney's Docket No.: 10284-019001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zervos et al. Art Unit : 1653
Serial No. : 09/245,549 Examiner : J. Tung
Filed : February 5, 1999
Title : IN VIVO CONSTRUCTION OF DNA LIBRARIES

Commissioner for Patents
Washington, D.C. 20231

AMENDMENT AND RESPONSE

This is in response to the non-Final Office Action (Paper No. 7) mailed February 25, 2000. A separate petition for an extension of time is submitted herewith. Please amend the application as follows:

In the Claims:

(For the Examiner's convenience, all of the pending claims are reproduced below).
Please cancel claims 28-31, without prejudice, and amend claims 2, 3, 11-14, 26, and 27 as follows:

1. (Reiterated) A method for constructing a DNA library *in vivo*, comprising:
 - providing a plurality of host cells;
 - providing a vector having a first region and a second region;
 - providing a nucleic acid insert molecule having a first common region which is homologous with said first region of the vector, a second common region which is homologous with said second region of the vector, and a library element encoding region disposed between said first common region and said second common region, wherein when the library element encoding region encodes a naturally occurring sequence, the first and second regions are not naturally found adjacent to the library element encoding region;
 - introducing a vector molecule into each of the host cells;

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

August 25, 2000
Date of Deposit

Sandra Sturtevant
Signature

Sandra Sturtevant
Typed or Printed Name of Person Signing Certificate